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## Local Government Committee

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# HB 1435

**Brief Description:** Allowing water-sewer districts to consider fees in selecting engineering services.

**Sponsors:** Representatives Simpson, Schindler, Miloscia, P. Sullivan and Nixon.

### Brief Summary of Bill

- Allows a water-sewer district selecting a professional engineer or engineering firm to, in lieu of other selection requirements, request that person or firm submit a declaration of fees and fee rates.
- Allows a water-sewer district to use the declared fees and fee rates in determining which person or firm is selected to perform services on behalf of the district.

**Hearing Date:** 1/31/05

**Staff:** Ethan Moreno (786-7386).

### Background:

Water-sewer district (district) powers include the authority to purchase, construct, maintain, and supply waterworks to furnish an ample supply of water to inhabitants within and outside of the district. Districts have full authority to regulate and control the use, content, distribution, and price of the supplied water in a manner consistent with legal provisions.

The governing body of a district is a board of commissioners (board) consisting of three, five, or seven members. In accordance with statutory provisions, the board must, by resolution, adopt rules governing the transaction of its business.

Except as otherwise provided, all work ordered by a district that is estimated to cost more than \$10,000 must be let by contract and competitive bidding. Upon the satisfaction of public notification, surety, and other requirements, the board may let the contract to the lowest responsible bidder based upon plans and specifications on file or to the best bidder submitting the bidder's own plans and specifications.

State agencies, local agencies, and special districts (entities) must publish, in advance, their requirement for certain professional services, including architectural and engineering services. In procuring architectural and engineering services, the entity must satisfy statutory requirements, including encouraging qualifying firms to submit annual statements of qualifications and

performance data. Subject to specified criteria, the entity must conduct discussions with one or more firms regarding the proposed project and then must select the firm from among these that is deemed to be the most highly qualified to provide the required services. A contract including a fair and reasonable price must be negotiated by the entity with the qualified firm or the negotiations must be terminated and the entity must select from among other eligible firms.

**Summary of Bill:**

When selecting a professional engineer or engineering firm to perform services on behalf of the water-sewer district (district), the district may, in lieu of pursuing statutory selection requirements specified for architectural and engineering services, request that the person or firm submit, with its statement of qualifications or project proposal, a declaration of the professional fees and fee rates to be charged in performing the services. These fees and fee rates may be used in determining which proposal from a qualified person or firm is chosen.

A district is exempted from complying with specific selection and contract negotiation requirements relating to the selection of architectural and engineering firms if the district exercises certain authorities pertaining to professional fees and fee rates.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.